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## SUPPLEMENT

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SIXTY-SEVENTH DAY — THURSDAY, MAY 12, 2005

### HB 2330 - REMARKS

REPRESENTATIVE GIDDINGS: Thank you very much, Mr. Speaker and members. I think, for the most part, everyone has decided where they are on this bill. So, I do not want to take a lot of your time, particularly in view of our deadline. But, I am going to ask for your indulgence because, as most of you know, I do not take up a lot of mic time, but this is a very serious issue and one that concerns me deeply. I am again going to say sincere appreciation on my part for the work that Chairman Morrison has done on her bill. I think she has been sincere in her efforts, but on this point we simply disagree. So, let us take a parting glance at the top ten legislation as it exists today. If nothing more, I want the myth to rest. I want the falsehood as it relates to the so-called "brain drain" to have been exposed as false.

And the first of those myths is that only people of color are admitted under the top ten. That is not so, you have those figures, Dr. Jones has given you those figures. Myth number two: the students in the top ten while in high school take weaker courses to qualify. Wrong! There is no evidence—no body of evidence—to support that. As a matter of fact, it is simply not logical to believe that these students admitted under the top ten are less well prepared in high school, and then miraculously they go to the university and outperform people who have taken stronger, tougher courses. It is just not logical. Myth number three: the top ten students take a lot of remedial work when they are admitted under the top ten. Representative Harper-Brown, you will remember putting a direct question to President Faulkner and he said, "Remedial education is essentially nonexistent at UT. It is not a factor." Myth number four: top ten kids drop out. They don't. In fact, top ten kids have a better retention rate than those admitted under the traditional admission process. Myth number five: top ten kids don't graduate. The fact is they graduate and they graduate sooner than kids that are admitted under the traditional admissions program.

Now, let me summarize that. Top ten students have higher GPAs than those admitted under traditional admissions; top ten students have higher retention rates; top ten students graduate sooner. Aren't they doing what we asked them to do? Let's examine the facts that if you take 50 percent of the freshman class and that goes to the top ten students. If you are a university and you have 50 percent remaining, don't you get the strongest available to make up the remaining 50 percent? So, the remaining 50 percent not admitted under the top ten provision, I would call the *creme de la creme*. They are the strongest students, and top ten students are outperforming them. So away with the myth that this is a "brain

drain." Well, members, how much more telling can it be that the top ten percent are doing what we asked them to do? And what is the admission process all about? Really—it's about predicting a student's success in higher education. And what I think we have learned from all of this is the rank of the class may be the top predictor of student success.

Now, this is not a republican issue; this is not a democratic issue. What we can not have is universities that are publicly supported that are about the wealthy and the privileged. This is about determining today the Texas that we are going to have tomorrow. And, members, I would just bring your attention to your own top figures. I would say to Mr. Otto out there, if your house district is number 18, you have 28 kids under the top ten percent and you don't have any that were admitted under the traditional program. So 100 percent of your kids were admitted under the top ten. I would just say to my colleague, Ms. Brown, if you represent district four, 88.89 percent of the students in your district come under the top ten program. Now, there are members of this house who have at least two percent of the UT class coming out of their districts. Do we believe that all of the talent of the students in this state are congregated in certain sections? I do not believe that is the case. I have two daughters who come out of these flagship universities, and a son-in-law. One with an MBA that came out with a 4.0, and the one who went to Texas went there on a merit scholarship. She was a merit scholar and she had a 4.0, and she had a full academic scholarship.

But, let me just tell you this, these universities have to step up to the plate, and closing the gaps have been around for awhile. And, those of you who serve on appropriations know that when we get these figures, we are not getting that much better. So, we need to do something more. Students from urban schools and rural schools, members, dream too. They dream too. We must refuse to participate in snuffing out their dreams. They have shown us, if you give us a chance we will do it. I urge you, do not snuff out the dreams of the majority of the students in this state. Those of you, like my colleague Representative Zedler, who serves so admirably on the Business and Industry committee, if you haven't looked at these figures to see how few kids you have in The University of Texas, you ought to look at them, because I don't think the kids in your district are any less talented than the kids in other districts. And, members, you ought to vote against this.

REPRESENTATIVE GALLEGOS: Thank you, Mr. Speaker. Members, if you could bear with me for a few minutes to have a conversation about the top ten percent rule. I would like to tell you that from my own perception I am a little uncomfortable. I tend to be a little more laid back and low key. So, I would like to approach it in that manner. I serve on Ms. Morrison's committee, and I would like to tell you that Ms. Morrison is sincere and has made a genuine effort to forge some sort of agreement around this issue, which I greatly appreciate. Where we differ is essentially on the details because for me this compromise is not really much of a compromise. And let me tell why.

You have heard some emotion, especially among the Hispanic members, because of the origin of the top ten percent rule and the impact of the top ten percent rule. Let me tell you a couple of other details with respect to what this

does. When you take the top one percent, and then the two percent, and the top three percent, and then the top four percent, and then the top five percent, and so on, and you also cap it at 50 percent, you are essentially ending the top ten percent rule because you get full before you reach the top ten percent. So, while we may call it a top ten percent rule, we are not really taking the top ten percent anymore. In fact, it has been estimated they will be full by the time they hit five percent or six percent. There is an amendment, one of the issues yesterday was interesting and actually it is an amendment I would have voted for as a bill, but let me tell you some of the complications. Yesterday, we added an amendment that was acceptable—it was the only one of the few that was on the bill by Mr. Bonnen, and what it does is it allows you to hold on to your slot if you are at a junior college. If you decide after you graduate from high school to spend a year or so at a junior college, and you were at the top ten percent, it holds your top ten percent slot. And so, if we are holding additional top ten percent slots from people who graduated two years ago, and not only are we doing that, and, in addition to that, we are capping it at 50 percent, again we are throwing more uncertainty into the system from an administrative viewpoint, and we are ending, in real terms, the top ten percent rule.

When you decide on an arbitrary number like 50 percent, you are automatically excluding a significant number of people who derive the benefit. And because of those of us who have stood up here and opposed it, there may be the impression that the only issue here is regarding communities of color. But that is simply not accurate because the reality is that this has been a tremendously successful program across the board. It has been successful in rural areas because 80-something percent of the kids at UT who are from rural areas were accepted because of the top ten percent rule. Sixty percent, 61, I believe, at A&M were accepted, the rural ones, because of the top ten percent rule. If you look at the retention rates and the graduation rates, the grades, the top ten percent kids are the ones who are doing the best. And yet, when we have a challenge, those are the first kids that we are throwing out of the pipeline, are those kids who have the best record for success.

I have been pretty passionate about higher education issues this session, and actually my whole career here. If you look at the House Research Organization, you will see that I voted no, even in committee when this was proposed. I voted no at the time, and I vote no today on this bill because I really do think that it is bad for Texas. I really do think that in the long run it is a tremendous disservice to the families that we serve. It is a tremendous disservice to the kids that we hope to turn over our tomorrow to. It is a tremendous disservice to those folks who are very near the end in that pipeline, who have looked forward to the dream of going to the institution of their choice only to have that dream snatched away from them by 150 people in the Texas House of Representatives.

Dreams are so important. They are particularly important in areas of the state that face needs and economic development, that have high unemployment, that have challenges as threat to their educational system, and education is the great equalizer. And the top ten percent rule was the great equalizer among that. What do we do now that we have lost the great equalizer? I hope that you will

reconsider your vote, particularly those of you from rural areas who voted for the bill yesterday. And if you look at the statistics from the district that you serve, you will see that most of your kids are beneficiaries of this rule.

One last thing, I have always believed in legislating on the basis of common sense, and where you have a problem, you fix your problem. You don't throw the baby out with the bath water. You don't kill a fly with a cannon. You don't do an across-the-board solution when you don't have an across-the-board problem. If there is an issue with the top ten percent rule at all, it is only at one university. Yet today we will make a statement about the top ten percent rule at every university across the state. I really don't think that this chamber and these members want to do that. I don't believe that these members want to throw the baby out with the bath water. So, I ask you to reconsider your support for this bill, those of you who voted for it yesterday. I ask you to look at the statistics in your specific districts about how your kids do, about how they do at UT, and how they got into UT. Because if you look at that, you will find that that is absolutely the single best set of evidence in support of Irma Rangel's top ten percent rule. That rule that so many of us are so passionate about. That rule that is so important to so many kids. That rule that brought hope to so many people who really didn't have a lot of hope before that. Thank you very much for your courtesy, and again I urge you to vote no on the bill before you.

REPRESENTATIVE DUKES: Thank you, Mr. Speaker and members. I don't choose to stand up and speak against a lot of bills, but I am compelled to stand today on **HB 2330** because there is nothing more important to creating opportunities and quality of life than granting that individual the ability to be educated—to have an equal opportunity at education. I am saddened when I stand here today. As Representative Turner said, "This is personal." This is truly personal to me because my family comes from a long legacy of individuals who have fought to ensure that equal opportunity to higher education will come to all. When I talked about Heman Sweat, it was not just from reading it in a book. Heman is actually a relative of mine. I can recall the stories that Heman shared with my grandfather, who was his first cousin, about the things that he had to go through. And my grandfather knew it as well because it was in our neighborhoods in East Austin that Thurgood Marshall and the NAACP came to Austin to deal with the problems at The University of Texas and to help Heman along. It is really sad that this bill would overturn everything—everything that Heman gave all of his time for, and that Thurgood Marshall and so many others in the civil rights movement fought for, to ensure an equal opportunity. **HB 2330** would cap at 50 percent the students who could be admitted to a University of Texas under the top ten percent law. It seems rather ironic that we would create a quota now when for so long those fought to eliminate the so-called quota of affirmative action. But, now that we have a law that ensures that anyone—regardless of their race, regardless of ethnicity, regardless of where they live, regardless of their economic background—can enter The University of Texas through the top ten percent rule, we want to create a 50 percent quota, and start denying that equal opportunity to many.

You know, it is also very interesting that there are approximately 1,500 public high schools in Texas, but before the enactment of the top ten percent rule, half of UT's entering class was from just 64 schools, mostly upper-middle class suburban schools. The rest of the average freshman class came from 800 schools, leaving 600 schools without any children they were sending to The University of Texas. According to an analysis performed by UT-Austin, the freshman class of 2003 was the most diverse in the university's history. Minority students made up a slightly greater percentage of incoming students. In response to those who say that since 1996 that those students of racial and ethnic background that make up the top ten percent should not be there because they are denying someone else an opportunity in the school. UT's own analysis showed that those in the top ten percent outperformed all others who have entered the school. There was a study done by Princeton University that revealed that the top-ranked students from resource-poor schools are enrolling out of state in some of the most competitive and private institutions. If these people that we are talking about today, that supposedly are taking an opportunity from someone else, are able to enter into some of the most rigorous schools in this nation, how can we say they are not qualified in that top ten percent to be a part of the UT System? Virtually all who have graduated in the top 20 percent from these schools who identified UT or Texas A&M as their top college choice succeeded in enrolling there. And lastly, the study at Princeton revealed that most students who attend out-of-state schools do it because of choice. They choose to attend a school out of the State of Texas.

The top ten percent law should be maintained in its current form because it is proven to be the most effective method of promoting diversity in higher education in Texas. Minority representation in the state's universities is greater now than it was during the days when Texas universities practiced race-conscious affirmative action policies. So, it is unlikely that a holistic admissions policy that gives more weight to factors other than class rank would be any more successful in ensuring diversity in higher education.

The debate about changing the top ten percent law misses the point completely. The problem is not that that state has too many students entering higher education under automatic admission, but that there are not enough slots at our flagship universities, and what the state should be doing is creating other flagship universities that don't think they're behemoths that can just dictate every rule to this legislature and every student in the State of Texas, but do what they are supposed to do and educate the youth of the State of Texas. We need to create those slots. We need to give universities the opportunity to control their populations, but we need to do it while we are creating a way for every child—regardless of race, ethnicity, economic background, or where they live—the opportunity to enter the university, and that is only done under the ten percent rule.

REPRESENTATIVE CHAVEZ: Thank you for such a great presentation, Representative Dukes. And very passionate, we all appreciate your words. Just a quick question, what does it mean when every single minority legislator supports the Turner amendment and opposes this bill? We represent minority districts, and

every African American member opposes this legislation because of what it is going to do, and every single Mexican American opposes this legislation. What message does that send?

DUKES: Well, clearly it sends the message that we feel that an equal opportunity to higher education for every student should be made available, and we feel that through what we have seen over the years and the message that is within the Turner amendment, that his amendment clearly would create that opportunity. But, let me clarify something for you. My district is not majority-minority; my district happens to be a district that fights very hard to ensure its students would have an opportunity at UT and A&M, and prior to the top ten percent rule, students in my district, regardless of race, didn't have that opportunity, although you can throw a stone from most high schools in my district to The University of Texas' football field and baseball field. Only under the ten percent rule did my district, which is not a majority-minority district, have an equal opportunity.

CHAVEZ: Thank you.

DUKES: Members, I would ask this body to please vote against **HB 2330**, if not for anything but because every child in Texas regardless of race should have an opportunity to utilize their educational desires to the best of their ability. And that we don't limit it though the quota created by **HB 2330**, capping opportunities at 50 percent.

REPRESENTATIVE HERRERO: Thank you, Mr. Speaker. Members, with all due respect, Madame Chair Morrison, I stand before you to urge you, to ask you, to please vote against this bill. We have heard a lot about demographics about how every statistic will show you that in future years, if not now, a large number of our population will be minority based—hispanic and Latino. A large majority will be young, and a large majority will be uneducated, and I say to you that if you vote in favor of this bill, you make the situation of this state even worse.

The reason I bring up these statistics, these demographics, is because I can relate to them. My brother and I were raised by my mother, a single parent, and she worked two jobs. She worked as an elevator operator in the same building where I now work as an attorney, and she also worked at a Kmart store. She worked those two jobs because she wanted to provide an opportunity for myself and my brother, and I understood those sacrifices. That is the reason why I wanted to get involved, and I had a personal goal to do well in school. To make sure that my mother's sacrifices were not made in vain, and that I took advantage of the opportunities she had provided for myself and my brother. So, I studied, and I made a lot of sacrifices like a lot of us have made, and, thanks to God, I was fortunate enough to be in the top ten percent of my class. And I made the choice of going to Texas A&M University, a great university, but I also had the opportunity to go to The University of Texas. Two great schools. And I saw that because the top ten percent rule provides the opportunities to many of the individuals that otherwise would not have the opportunity to attend these two great universities. The top ten percent rule allows dreams to happen, allows people to achieve goals that they thought were unattainable. More than that,

these individuals who make it to these universities actually do well at these universities. They provide an opportunity for themselves, for their families, and to the State of Texas.

We need to encourage more of that because when we talk about the State of Texas, when we talk about emerging technology, when we talk about enterprise fund, when we talk about how we need jobs to stay in Texas, how we need to create more of something that is positive. Well, we create more of an educated workforce if we allow the top ten percent rule to stay as it is. Not only an educated workforce, but a diverse workforce, a diverse student body in two of the major, if not all of the major, institutions in Texas. Please, members, provide this opportunity to people who are wanting to make the best of their opportunities to improve their lives, their family's lives, and to create an educated workforce, and to create a diverse population in not only the universities, but in our communities. Please leave the top ten percent rule as it is, and increase the education of our population, increase diversity, and, more importantly, increase and permit dreams to happen. Thank you.

**REPRESENTATIVE MCREYNOLDS:** Thank you, Mr. Craddick. I spoke yesterday and simply said as a historian, I believe Texas universities should serve Texas children first. I am not going to go back there, but I am a rural member. I am going to give a little snapshot of just the rural members and what it means. I represent four counties, and to a large extent, although we have a university north of us and a good community college in our area, we are educationally to a large extent behind the curve because you see, only 12 percent of my constituents have a baccalaureate or a master's degree. I hope your areas are better than that, and I look forward to good times in the future for Texas.

I am a great champion of higher education in every respect. A little over 90 percent of my children who were admitted to The University of Texas last year got in because of the ten percent rule. Mr. Steven Frost, 80 percent of your kids got in under the ten percent rule. Mr. Homer, 84 percent of your children got in under the ten percent rule. Betty Brown, 86 percent of your children got in. Robby, 86 percent of your children. Ruben, 80 percent of your children got in. Tuffy, 90 percent of your children got in because of the ten percent rule. Mr. Eiland, 87 percent of your children got in. Larry Taylor, 75 percent. Dennis Bonnen, 84 percent of your children. Mr. Hegar, 85 percent of your children. Ms. Dawson, right at 90 percent of your children. Mr. Seaman, 87 percent of your children. My friend Edmund Kuempel, 86 percent of your children. Jim Keffer, 88 percent of your children. My friend from Abilene, Bob Hunter, Bob, 92 percent of your children that got into The University of Texas got in under the ten percent rule. Mr. Talton, 97 percent of your children. Now, that is just a snapshot, and that is only a snapshot in time. What we are effectively doing by voting for this bill is you take that percentage and cut it in half for the next class that will come in under this law. I would ask you to do what I have always tried my best to do. Please reflect your district when you vote for or vote against this bill. Thank you.

REPRESENTATIVE HOCHBERG: Thank you, Mr. Speaker and members. As Mr. McReynolds has very eloquently stated, this is not just about minorities. This is not just a minority bill, this is about all of Texas. It is about opportunity. That is what it is about to me, and about telling people that the opportunity is there. When I was in high school, I went to sort of an average suburban high school, and I had a counselor who told me not to do just about everything I wanted to do to get into an advanced situation in college. He told me don't bother taking advanced placement, don't bother taking scholarship tests, just don't bother doing that because there was no need because the opportunity probably wasn't there anyway. Well, fortunately I had parents who told me not to listen to him, and who encouraged me to do everything that I could do. But they only did that because they knew there was opportunity.

And I don't have much to add to this except to tell you that the thing that—one of the things I enjoy most about this job is the opportunity to go in and talk to open houses of parents coming into schools with their kids for the first time, and telling them—starting in the very first grade, second grade, third grade—that if their kids work hard, and make the grade, and get into the top ten percent that we are going to have a place for them at the top university in this state, and they stand up and cheer. And that is something you can't buy. It is something that doesn't cost us money; this isn't an appropriations bill. We aren't worried about raising taxes. We aren't worried about cutting economic development. We are here just providing people opportunity by continuing to do what we are doing and what succeeds. And I cannot imagine a reason to vote for this bill under those circumstances. Thank you, members.

REPRESENTATIVE TURNER: Mr. Speaker and members, as I sat there and listened to Representative McReynolds, I said to myself that his statements were more effective than almost anything I can think of, and so I am going to honor that and not hold you very long because I do think when all is said and done we do vote our districts. At least that is what we are sent here to do. I have been a lawyer now for 25—almost 26 years, a law professor for 17 of those. For a long time, colleges and universities in this state had too much discretion in their admission process, and when people felt that they were being excluded, whether they be minorities or you name it, the lawsuits came because colleges and universities had too much discretion and the numbers for certain groups were very low. One of the most masterful things that I think we did since I have been here is that we decided we wanted an objective standard. Whether it favored my daughter, an African American female, or whether it favored Betty Brown's children, whether it favored Martha Wong's families, what this legislature masterfully did is said we want an the objective standard. No matter how it cuts—no matter how it cuts, if you qualify under objective standard you are in. So, do not come yelling back and forth about there not being enough diversity and all of that. It is an objective standard, and we went to that objective standard.

Yesterday for five hours, and I guess what hit a nerve for me, when I wanted to argue performance, merit, and achievement, people wanted to argue with me about diversity. I didn't want to talk about race. I didn't want to focus on race. I wanted to focus on an objective standard that we put in place. That is what I



wanted the focus to be, and whether you believe it or not there are some of us members who are minorities, whether it be hispanic, whether we are African Americans. You, frankly speaking, you just get tired of talking about race. And so what the ten percent rule did was it took that issue off the table. And it said to our children, regardless of where you come from, regardless of where you live, whether you live in rural Texas, some places where I have never been, if you have worked hard and you have made it in that top ten percent, then you are in. And that is what the top ten percent standard said. If you were in the south valley and you work hard, then you are in. And it said if you lived in suburban Texas or urban Texas, you are in if you work hard. The focus doesn't have to be on race. Doesn't have to be about that. It doesn't even have to be on social economic background. It just said work hard, qualify, enter that top ten percent of your class, and in the great State of Texas, our Texas kids are in. Representative Linda Harper-Brown, when the focus is on merit and achievement, and when our students qualify under merit and achievement, that should be the utmost standard to admission for our college students. Representative Riddle, in Spring—and you know I graduated from Klein, came out of a family of nine, neither one of my parents graduated from high school, but I graduated number one in my class from Klein because my mom and my daddy instilled into me early, I don't want you getting bogged down in race. Work hard and achieve and even if you are bused 18 miles one way to a school you have never seen, in a neighborhood you have never been, your grades will speak for themselves, and you do not have to argue about race.

The tragedy with **HB 2330** is that now we are talking about race and region in a house that is now divided. The top ten percent rule eliminated that from discussion. It took that off the table. It was masterfully done, and then the fruits of it is that the kids, the Texas children, whether you be from rural Texas, suburban or urban, Texas children who graduated in the top ten percent of their class, and they may not have come with programs that were the best—but you know, Kent, there are some things about Texas children when they work hard and they excel, they can achieve at our greatest expectations. So, these same kids from rural, suburban, and urban came to The University of Texas, and you know what? They outperformed everybody else. And you know why? Because in Texas, when you work hard and when the focus is on merit and achievement, you can excel. We took discretion off the table, and, Representative Grusendorf, you voted for the top ten percent rule, and I want you to know the fruit is in the pudding, and it is working and working well—and they are Texas children. Why do some of us support it? Because the reality is, based on what Chairperson Morrison said, which is true, even under the top ten percent, the African Americans are still not at a high number at our colleges and universities. Hispanics are not doing that much better. So, why would we—why would I be supporting a rule when the number of black children, black students, is still not that much greater? The reason why is because I want to talk about telecommunication. I want to talk about electric restructuring. I want to talk about the budget. I want to talk about other issues, and I don't want to spend five, six, or seven hours talking about race and things that divide the house and a

discretionary standard. And if we reverse what we have masterfully done, we will continue to talk about issues that divide the house rather than moving us forward. If nothing else, what this debate has demonstrated is that this is not the right direction to take.

I have the utmost respect for Chairperson Morrison—the utmost respect for her. One thing I have learned in my 16 years here is that we can disagree, but we can still represent our districts and have our views. I hope in a few minutes that you will vote your districts, and that you will have the will to respectfully say no to this bill. And I hope it will not be a vote that will reflect division in this house. I hope that urban, and suburban, and rural legislators alike; black, white, and brown alike; and I hope that democrats and republicans alike will be reflective in a vote that says we don't want to engage in policies that invite lawsuits, and where we use too much discretion in our admissions process. I hope we will stay with an objective standard, and no matter how it cuts, whether it cuts for me or against me or remains the same. It is what it is because it is a policy that is the best interest, Joe, of the great State of Texas where merit and achievement rule the day. I didn't become speaker pro tempore on my own. And I hope and pray it was not because of the way I look, but it was because of the way that I serve. I thank the speaker for it. Well, let's send a message to our students and to our children that in the great State of Texas, we are going to utilize an objective standard that works. That republicans, democrats, white, black, brown, and Asians can stand together in this house and applaud a standard we put in place, which I personally believe was masterfully given, with all due respect to the chairperson of Higher Education.

REPRESENTATIVE MORRISON: Mr. Speaker and members, I know that we have spent a lot of hours with this discussion and I took into committee and all the committee members know that we had several bills that were presented on the top ten percent. We sat down together and looked at those bills, saw what they were, and I put together a substitute with all of the authors of the bills to do what I feel like was a good compromise. We had those that would like to totally do away with the top ten percent, we had those that would like to totally keep it, and so this is a compromise of capping at 50 percent because we do have a problem that we have admissions growing to where our flagship schools will not have any other criteria for admissions and I think that is not the way that we need to base admissions—but I don't want to get rid of it. And I want to state that again, I am not for getting rid of the top ten percent. I want to keep the top ten percent. So, members, this is a cap. This is going into also admitting those students that have taken advanced curriculum. We've talked about excellence over and over and over again the last two days and if you take a higher curriculum, we want to encourage that. By just looking at GPA, we have been discouraging students from taking higher curriculum classes because their GPA may not be as high as those students that are taking a lesser curriculum. That's not fair. We want our students to achieve. And with the amendment that Representative Cook, Byron Cook, put on with dual credit we're encouraging students to take college classes while they're in high school. And I think that's the place we need to go too. We need to get our students in, we want them to take college classes—they will be

ready to graduate. And when they go to school, their retention rate will be higher. This is what I think we need to be doing for our change in demographics. I respect all the discussion that's been going on the past two days, but I think what will happen is with limiting to 50 percent, the top ten percent enrollment, then you will have the latitude with our tier one institutions to be able to use the other criteria to be able to recruit those students that cannot get in to the universities at this time and that recruitment is going to happen. If you look at what our flagships are doing, that is the direction you're going. If you look at closing the gap, the plan that has been put together by the Texas Higher Education Coordinating Board, what we need to be doing in 2015, and that was my amendment. That is the goal. To reach those benchmarks. That is where I am. That is what my goal is. I think each and every person of my committee knows that that is where I want to go, and I think this will achieve higher diversity in our institutions. It will not lessen it, it's going to make for more diversity. And members, I urge you to vote for this legislation, for the future of our children in Texas—to meet the goals of closing the gap by the year 2015, because if we don't meet those goals, our state is in serious trouble. And, Mr. Speaker, I move adoption.

REPRESENTATIVE COLEMAN: You mentioned a couple of things, but one you just mentioned is about the fact that we have two flagship universities. Do you think that's one of the problems with finding enough spaces that Texas only has two flagship universities?

MORRISON: Representative Coleman, we definitely need more flagship universities for the size of our state and the population. We are lagging far behind and that is one of the reasons we need to have more research and that's why we need the emerging technology fund, because we need to bring that research to our state and absolutely, I am committed, as you know, that we need more flagships.

COLEMAN: Chairwoman Morrison, was there ever legislation that moved forward to accomplish that goal here in the legislature?

MORRISON: For flagships? Well, there's criteria that you have to meet, and of course as you know, research is one of the top criteria to be a flagship so that is what I think the goal is—is for more research so we can have more flagship universities and we have several that are emerging.

COLEMAN: Do you know how many California has?

MORRISON: Off the top of my head, no. I can't remember whether it's 6, 7, 10—

COLEMAN: —They have 10. And the issue I'm asking is are we going to invest in making sure that we have enough what people perceive, and what is really excellence in this state, so that we can stop making policy based on two flagship universities only?

MORRISON: Well, our goal is to have more and, as you know, we have several emerging flagships that as they move to reach the criteria with research and as they move up that ladder—and that is the goal, we need several more flagship universities.

COLEMAN: And how do you get there? What do you have to invest to get there?

MORRISON: A lot of research dollars.

COLEMAN: Exactly right. And so, what I'm laying out to you is—I'm going to ask you one more question. In terms of students that achieve in their respective high schools around this state, when the information says that they are achieving as well in the schools that they attend, do you think that says that our students really strive and meet what the standard or challenge is that has been given to them by the institution that they attend? And that their quality is a high quality and just because they didn't have something before that now, they succeed better than people who may have had all of those opportunities?

MORRISON: I think that our students are performing well all around the state.

COLEMAN: Right, but I mean specifically these students who enter into the top ten, and specifically at The University of Texas because the data says they clearly are meeting—not only meeting the challenge of our best university, or one of our best universities in this state, they are exceeding at meeting that challenge. And I'm trying to understand if this is about merit—that people have shown merit—so what's the problem with that? And you keep saying that the curriculum is the answer and I'm just trying to understand why that all of the sudden has that become the answer? Because these students have proven that they meet the grade.

MORRISON: No, I agree that the top ten percent students are performing very well. And they have outperformed other students. My concern is, if you look at the numbers and you look at the graph, where we were in 1996 and where we are today with top ten percent has not moved much. My concern is, you look at the numbers of minority students that apply and those that are accepted that are in the top ten percent, there is a huge pool of students that do not get admitted that if we don't cap the top ten percent you will never be able to recruit those good students that are not in the top ten percent, but it's minority students that we are losing.

COLEMAN: Let me ask you a question about that. At Texas A&M University they decided not to use race or ethnicity as a factor, finally realized that guess what? I can go recruit from schools that have a heavy African American population or a heavy Hispanic population then just go to their top ten percent of their class. And then, voila, they're eligible. And so I guess what I'm trying to figure out is that if we have that as a goal, then why are we going to limit that number, at least from that perspective—I'm talking about students of color—based on what is being laid out in this bill in terms of pulling that number back for all campuses, if that's our goal.

MORRISON: If you look at the statistics, A&M decided not to use race for admissions, but they have a plan on recruiting minority students to come to A&M, and they're doing that.

COLEMAN: I've seen their plan.

MORRISON: Right, they have their plan. My concern is because of where we are at our flagships, that the top ten percent admissions those universities do not have the room to do the recruitment for minority students that they need. This will be the vehicle to be able to recruit. This is not going to go backwards. This is going to go forwards.

COLEMAN: This certainly does not stop that because of the criteria that they're using, the top ten percent rule and first time family, first time in college, all factors that people came up because of *Hopwood* that could've been used years ago, and some schools did—

MORRISON: But, Representative Coleman, you can't use that criteria if you're full. That's what I'm saying, if we limit it to 50 percent that all of that other criteria can be used for your other admissions that the students who want to come in are not coming. You also look at those who are admitted who don't come—

COLEMAN: —But Morrison, it's not full. And that's the part that's the fallacy here. The classes are not full.

